General Assembly

Distr.: General
19 March 2009

Sixty-third session
Agenda item 130

Resolution adopted by the General Assembly

[*on the report of the Fifth Committee (A/63/643)*]

63/254. Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

The General Assembly,

Having considered the report of the Secretary-General on the revised estimates under the budget, for the biennium 2008–2009, of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994,[1] and his first performance report on the International Criminal Tribunal for Rwanda for the biennium 2008–2009,[2]

Having also considered the report of the Board of Auditors on the International Criminal Tribunal for Rwanda and the recommendations contained therein,[3]

Having further considered the related report of the Advisory Committee on Administrative and Budgetary Questions,[4]

Recalling its resolution 49/251 of 20 July 1995 on the financing of the International Criminal Tribunal for Rwanda and its subsequent resolutions thereon, the latest of which was resolution 62/229 of 22 December 2007,

1. *Takes note* of the report of the Secretary-General on the revised estimates under the budget, for the biennium 2008–2009, of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious

[1] A/63/506.

[2] A/63/558.

[3] *Official Records of the General Assembly, Sixty-third Session, Supplement No. 5K* (A/63/5/Add.11), chap. II.

[4] See A/63/595.

Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994,[1] and his first performance report on the International Criminal Tribunal for Rwanda for the biennium 2008–2009;[2]

2. *Endorses* the conclusions and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions;[4]

3. *Decides* on a revised appropriation to the Special Account for the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994, of a total amount of 305,378,600 United States dollars gross (282,597,100 dollars net) for the biennium 2008–2009, as detailed in the annex to the present resolution;

4. *Also decides*, for the year 2009, to apportion among Member States, in accordance with the scale of assessments applicable to the regular budget of the United Nations for the year,[5] the amount of 84,657,900 dollars gross (78,253,300 dollars net), including 19,011,200 dollars gross (17,565,250 dollars net), being the increase in assessments;

5. *Further decides*, for the year 2009, to apportion among Member States, in accordance with the rates of assessment applicable to peacekeeping operations for the year, the amount of 84,657,900 dollars gross (78,253,300 dollars net), including 19,011,200 dollars gross (17,565,250 dollars net), being the increase in assessments;

6. *Decides* that, in accordance with the provisions of its resolution 973 (X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraphs 4 and 5 above, their respective share in the Tax Equalization Fund in the amount of 12,809,200 dollars, including 2,891,900 dollars, being the increase in the estimated staff assessment income approved for the International Criminal Tribunal for Rwanda for the biennium 2008–2009.

74th plenary meeting
24 December 2008

[5] See resolution 61/237.

Annex

Financing for the biennium 2008-2009 of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

	Gross	*Net*
	(United States dollars)	
Initial appropriation for the biennium 2008-2009 (resolution 62/229)	267 356 200	247 466 600
Add:		
Revised estimates for the biennium 2008-2009 after recosting (A/63/506 and A/63/595)	30 190 700	28 182 500
First performance report for the biennium 2008-2009 (A/63/558)	7 831 700	6 948 000
Proposed revised appropriation for the biennium 2008-2009	305 378 600	282 597 100
Assessment for 2008	136 062 800	126 090 500
Balance to be assessed for 2009	169 315 800	156 506 600
Including		
Contributions assessed on Member States in accordance with the scale of assessments applicable to the regular budget of the United Nations for 2009	84 657 900	78 253 300
Contributions assessed on Member States in accordance with the rates of assessment applicable to the peacekeeping operations of the United Nations for 2009	84 657 900	78 253 300

General Assembly

Distr.: General
19 March 2009

Sixty-third session
Agenda item 131

Resolution adopted by the General Assembly

[*on the report of the Fifth Committee (A/63/644)*]

63/255. Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

The General Assembly,

Having considered the report of the Secretary-General on the revised estimates under the budget, for the biennium 2008–2009, of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991,[1] his first performance report on the International Tribunal for the Former Yugoslavia for the biennium,[2] and his report on the revised estimates arising in respect of Security Council resolution 1800 (2008) on the appointment of additional ad litem judges at the International Tribunal for the Former Yugoslavia,[3]

Having also considered the report of the Board of Auditors on the International Tribunal for the Former Yugoslavia and the recommendations contained therein,[4]

Having further considered the related reports of the Advisory Committee on Administrative and Budgetary Questions,[5]

Stressing the need fully to respect and maintain the balance between the principal organs of the United Nations within their respective purviews and mandates in accordance with the Charter,

Reaffirming its authority in the consideration of all budgetary issues, as stipulated in the Charter,

---

[1] A/63/513.

[2] A/63/559.

[3] A/62/809.

[4] *Official Records of the General Assembly, Sixty-third Session, Supplement No. 5L* (A/63/5/Add.12), chap. II.

[5] See A/63/595; and A/62/7/Add.38 (for the final text, see *Official Records of the General Assembly, Sixty-second Session, Supplement No. 7A*).

Recalling its resolution 47/235 of 14 September 1993 on the financing of the International Tribunal for the Former Yugoslavia and its subsequent resolutions thereon, the latest of which was resolution 62/230 of 22 December 2007,

1. *Takes note* of the report of the Secretary-General on the revised estimates under the budget, for the biennium 2008–2009, of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991,[1] his first performance report of the International Tribunal for the Former Yugoslavia for the biennium,[2] and his report on the revised estimates arising in respect of Security Council resolution 1800 (2008) on the appointment of additional ad litem judges at the International Tribunal for the Former Yugoslavia;[3]

2. *Endorses* the conclusions and recommendations contained in the reports of the Advisory Committee on Administrative and Budgetary Questions;[5]

3. *Reaffirms*, in the context of all Security Council decisions on the International Tribunals, the prerogatives of the General Assembly in the issues related to administrative and budgetary matters;

4. *Reiterates* that, in accordance with the Financial Regulations and Rules of the United Nations,[6] the submission of the budget proposals is a prerogative of the Secretary-General;

5. *Invites* the Secretary-General to provide all intergovernmental bodies with the required information regarding procedures for administrative and budgetary matters;

6. *Requests* the President of the General Assembly to bring to the attention of the President of the Security Council the contents of the present resolution;

7. *Decides* on a revised appropriation to the Special Account for the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 of a total amount of 376,232,900 United States dollars gross (342,332,300 dollars net) for the biennium 2008–2009, as detailed in the annex to the present resolution;

8. *Also decides*, for 2009, to apportion among Member States, in accordance with the scale of assessments applicable to the regular budget of the United Nations for the year,[7] the amount of 101,158,400 dollars gross (91,981,800 dollars net), including 14,333,000 dollars gross (12,930,100 dollars net), being the increase in assessments;

9. *Further decides*, for 2009, to apportion among Member States, in accordance with the rates of assessment applicable to peacekeeping operations for the year, the amount of 101,158,400 dollars gross (91,981,800 dollars net), including 14,333,000 dollars gross (12,930,100 dollars net), being the increase in assessments;

10. *Decides* that, in accordance with the provisions of its resolution 973 (X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraphs 8 and 9 above, their respective share in the Tax Equalization Fund in the amount of 18,353,200 dollars, including 2,805,800 dollars, being the increase in the estimated staff assessment income

[6] ST/SGB/2003/7.

[7] See resolution 61/237.

approved for the International Tribunal for the Former Yugoslavia for the biennium 2008–2009.

74th plenary meeting
24 December 2008

Annex

Financing for the biennium 2008–2009 of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

	Gross	*Net*
	(United States dollars)	
1. Initial appropriation for the biennium 2008–2009 (resolution 62/230)	347 566 900	316 472 100
Add		
2. Revised estimates for the biennium 2008–2009 after recosting (A/63/513 and A/63/595)	15 548 100	14 455 500
3. First performance report for the biennium 2008–2009 (A/63/559)	13 117 900	11 404 700
4. **Estimated revised appropriation for the biennium 2008–2009**	**376 232 900**	**342 332 300**
Less		
5. Estimated income for the biennium 2008–2009	(265 300)	(265 300)
6. Assessment for 2008	173 650 800	158 103 400
7. **Balance to be assessed for 2009**	**202 316 800**	**183 963 600**
Including		
8. Contributions assessed on Member States in accordance with the scale of assessments applicable to the regular budget of the United Nations for 2009	101 158 400	91 981 800
9. Contributions assessed on Member States in accordance with the rates of assessment applicable to peacekeeping operations of the United Nations for 2009	101 158 400	91 981 800

General Assembly

Distr.: General
19 March 2009

Sixty-third session
Agenda items 130 and 131

Resolution adopted by the General Assembly

[*on the report of the Fifth Committee (A/63/645)*]

63/256. Comprehensive proposal on appropriate incentives to retain staff of the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia

The General Assembly,

Having considered the report of the Secretary-General on the comprehensive proposal on appropriate incentives to retain staff of the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia,[1]

Having also considered the related chapter of the report of the International Civil Service Commission for the year 2007,[2]

Having further considered the related report of the Advisory Committee on Administrative and Budgetary Questions,[3]

Recalling its resolution 61/274 of 29 June 2007 on the comprehensive proposal on appropriate incentives to retain staff of the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia,

1. *Takes note* of the report of the Secretary-General on the comprehensive proposal on appropriate incentives to retain staff of the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia;[1]

2. *Endorses* the conclusions and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions,[3] subject to the provisions contained in the present resolution;

3. *Takes note* of paragraphs 14 and 15 of the report of the Advisory Committee;

4. *Recognizes* the critical importance of retaining highly-skilled and specialized staff in order to successfully complete all trial proceedings and to meet

[1] A/62/681.

[2] *Official Records of the General Assembly, Sixty-second Session, Supplement No. 30* and corrigendum (A/62/30 and Corr.1), chap. II.B.

[3] A/62/734.

the targets set out in the respective completion strategies of the Tribunals in a timely manner;

5. *Requests* the Secretary-General to use the existing contractual frameworks to offer contracts to staff, in line with dates of planned post reductions in accordance with the relevant prevailing trial schedules, in order to remove uncertainty with regard to future employment with the aim of ensuring that the Tribunals have the necessary capacity to complete their respective mandates effectively, as recommended by the International Civil Service Commission in paragraph 21 (*b*) of its report.[2]

74th plenary meeting
24 December 2008

General Assembly

Distr.: General
19 March 2009

Sixty-third session
Agenda item 139

Resolution adopted by the General Assembly

[*on the report of the Fifth Committee (A/63/646)*]

63/257. Financing of the United Nations Mission in Ethiopia and Eritrea

The General Assembly,

Having considered the report of the Secretary-General on the financing of the United Nations Mission in Ethiopia and Eritrea[1] and the related report of the Advisory Committee on Administrative and Budgetary Questions,[2]

Recalling Security Council resolution 1312 (2000) of 31 July 2000, by which the Council established the United Nations Mission in Ethiopia and Eritrea, and the subsequent resolutions by which the Council extended the mandate of the Mission, the last of which was resolution 1798 (2008) of 30 January 2008, by which the Council extended the mandate of the Mission until 31 July 2008,

Recalling also Security Council resolution 1827 (2008) of 30 July 2008, by which the Council terminated the mandate of the Mission effective on 31 July 2008,

Recalling further its resolution 55/237 of 23 December 2000 on the financing of the Mission and its subsequent resolutions thereon, the latest of which was resolution 62/259 of 20 June 2008,

Reaffirming the general principles underlying the financing of United Nations peacekeeping operations, as stated in General Assembly resolutions 1874 (S-IV) of 27 June 1963, 3101 (XXVIII) of 11 December 1973 and 55/235 of 23 December 2000,

Noting with appreciation that voluntary contributions have been made to the Mission,

Mindful of the fact that it is essential to provide the Mission with the necessary financial resources to enable it to complete its administrative liquidation,

1. *Takes note* of the status of contributions to the United Nations Mission in Ethiopia and Eritrea as at 31 October 2008, including the contributions outstanding in the amount of 17.5 million United States dollars, representing some 1 per cent of

[1] A/63/546 and Corr.1.

[2] A/63/602.

the total assessed contributions, notes with concern that only eighty-seven Member States have paid their assessed contributions in full, and urges all other Member States, in particular those in arrears, to ensure payment of their outstanding assessed contributions;

2. *Expresses its appreciation* to those Member States which have paid their assessed contributions in full, and urges all other Member States to make every possible effort to ensure payment of their assessed contributions to the Mission in full;

3. *Expresses concern* at the financial situation with regard to peacekeeping activities, in particular as regards the reimbursements to troop contributors that bear additional burdens owing to overdue payments by Member States of their assessments;

4. *Also expresses concern* at the delay experienced by the Secretary-General in deploying and providing adequate resources to some recent peacekeeping missions, in particular those in Africa;

5. *Emphasizes* that all future and existing peacekeeping missions shall be given equal and non-discriminatory treatment in respect of financial and administrative arrangements;

6. *Also emphasizes* that all peacekeeping missions shall be provided with adequate resources for the effective and efficient discharge of their respective mandates;

7. *Endorses* the conclusions and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions,[2] and requests the Secretary-General to ensure their full implementation;

8. *Requests* the Secretary-General to take all necessary action to ensure that the Mission is administered with a maximum of efficiency and economy;

Revised budget estimates for the period from 1 July 2008 to 30 June 2009

9. *Decides* to reduce the appropriation of 100,367,400 dollars approved for the maintenance of the Mission for the period from 1 July 2008 to 30 June 2009 under the terms of its resolution 62/259 by the amount of 63,351,000 dollars, to 37,016,400 dollars;

10. *Also decides* to reduce the amount of the estimated staff assessment income approved for the maintenance of the Mission for the period from 1 July 2008 to 30 June 2009 under the terms of its resolution 62/259 from 2,339,800 dollars to 1,111,400 dollars;

Financing of the appropriation

11. *Further decides* to apportion among Member States the amount of 28,652,450 dollars for the administrative liquidation of the Mission for the period from 1 August 2008 to 30 June 2009, in addition to the amount of 8,750,833 dollars already apportioned for the period from 1 to 31 July 2008 under the terms of its resolution 62/259, in accordance with the levels updated in its resolution 61/243 of 22 December 2006, and taking into account the scale of assessments for 2008 and 2009, as set out in its resolution 61/237 of 22 December 2006;

12. *Decides* that, in accordance with the provisions of its resolution 973 (X) of 15 December 1955, there shall be set off against the apportionment among

Member States, as provided for in paragraph 11 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 916,417 dollars approved for the Mission for the period from 1 August 2008 to 30 June 2009;

13. *Emphasizes* that no peacekeeping mission shall be financed by borrowing funds from other active peacekeeping missions;

14. *Encourages* the Secretary-General to continue to take additional measures to ensure the safety and security of all personnel participating in the Mission under the auspices of the United Nations, bearing in mind paragraphs 5 and 6 of Security Council resolution 1502 (2003) of 26 August 2003;

15. *Decides* to keep under review during its sixty-third session the item entitled "Financing of the United Nations Mission in Ethiopia and Eritrea".

74th plenary meeting
24 December 2008

General Assembly

Distr.: General
19 March 2009

Sixty-third session
Agenda item 148

Resolution adopted by the General Assembly

[*on the report of the Fifth Committee (A/63/647)*]

63/258. Financing of the African Union-United Nations Hybrid Operation in Darfur

The General Assembly,

Having considered the reports of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur[1] and the related report of the Advisory Committee on Administrative and Budgetary Questions,[2]

1. *Endorses* the conclusions and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions,[2] subject to the provisions of the present resolution, and requests the Secretary-General to ensure their full implementation;

Financial performance report for the period from 1 July 2007 to 30 June 2008

2. *Takes note* of the report of the Secretary-General on the financial performance of the Operation for the period from 1 July 2007 to 30 June 2008;[3]

Progress report for the period from 1 July 2008 to 30 June 2009

3. *Also takes note* of the progress report of the Secretary-General on the budget of the Operation for the period from 1 July 2008 to 30 June 2009;[4]

4. *Reaffirms* the provisions of paragraph 15 of its resolution 62/232 B of 20 June 2008;

Financing of the appropriation for the period from 1 July 2008 to 30 June 2009

5. *Decides* to apportion among Member States the amount of 449,855,000 United States dollars for the period from 1 January to 30 June 2009, in accordance with the updated levels approved by the General Assembly in its resolution 61/243 of 22 December 2006, and taking into account the scale of assessments for 2009 as

[1] A/63/535 and A/63/544.
[2] A/63/606.
[3] A/63/535.
[4] A/63/544.

set out in its resolution 61/237 of 22 December 2006, in addition to the amount of 919,400,200 dollars already apportioned among Member States under the terms of resolution 62/232 B, comprising the amount of 849,855,000 dollars for the maintenance of the Operation for the period from 1 July to 31 December 2008, the amount of 60,624,500 dollars for the support account for peacekeeping operations for the period from 1 July 2008 to 30 June 2009, and the amount of 8,920,700 dollars for the United Nations Logistics Base at Brindisi, Italy, for the period from 1 July 2008 to 30 June 2009;

6. *Also decides* that, in accordance with the provisions of its resolution 973 (X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraph 5 above, their respective share in the Tax Equalization Fund of 6,373,050 dollars, representing the estimated staff assessment income approved for the Operation for the period from 1 January to 30 June 2009;

7. *Authorizes* the Secretary-General, upon the advice of the Controller, to assess on Member States, as required, a further amount of up to 200 million dollars for the maintenance of the Operation for the period from 1 January to 30 June 2009;

8. *Decides* that, for Member States that have fulfilled their financial obligations to the Operation, their respective share of the unencumbered balance and other income in the total amount of 225,443,200 dollars in respect of the financial period ended 30 June 2008, shall, on an exceptional basis, and in the light of the submission of a progress report during the budget period, be offset against either their apportionment as provided for in paragraph 5 above or the apportionment for the Operation effective for the period from 1 July 2009 to 30 June 2010, according to the preference of the relevant Member State, in accordance with the updated levels approved by the General Assembly in its resolution 61/243, taking into account the scale of assessments for 2008, as set out in its resolution 61/237, and requests the Secretary-General to implement such an approach;

9. *Also decides* that, for Member States that have not fulfilled their financial obligations to the Operation, there shall be set off against their outstanding obligations their respective share of the unencumbered balance and other income in the total amount of 225,443,200 dollars in respect of the financial period ended 30 June 2008, in accordance with the scheme set out in paragraph 8 above;

10. *Further decides* that the decrease of 4,687,900 dollars in staff assessment income in respect of the financial period ended 30 June 2008 shall be set off against the credits from the amount of 225,443,200 dollars referred to in paragraphs 8 and 9 above;

11. *Decides* to keep under review during its sixty-third session the item entitled "Financing of the African Union-United Nations Hybrid Operation in Darfur".

74th plenary meeting
24 December 2008

General Assembly

Distr.: General
20 March 2009

Sixty-third session
Agenda item 118

Resolution adopted by the General Assembly

[*on the report of the Fifth Committee (A/63/648)*]

63/259. Conditions of service and compensation for officials other than Secretariat officials: members of the International Court of Justice and judges and ad litem judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda

The General Assembly,

Recalling section VIII of its resolution 53/214 of 18 December 1998, its resolutions 55/249 of 12 April 2001, 56/285 of 27 June 2002 and 57/289 of 20 December 2002, section III of its resolution 59/282 of 13 April 2005, paragraph 11 of its resolution 61/262 of 4 April 2007 and its decision 62/547 of 3 April 2008,

Recalling also Article 32 of the Statute of the International Court of Justice, as well as relevant resolutions of the General Assembly that govern the conditions of service and compensation for the members of the International Court of Justice and the judges of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 and the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994,

Having considered the report of the Secretary-General[1] and the related report of the Advisory Committee on Administrative and Budgetary Questions,[2]

I

1. *Takes note* of the report of the Secretary-General;[1]

2. *Reaffirms* the principle that the conditions of service and compensation for non-Secretariat United Nations officials shall be separate and distinct from those for officials of the Secretariat;

[1] A/62/538/Add.2.
[2] A/63/570.

3. *Endorses* the conclusions and recommendations of the Advisory Committee on Administrative and Budgetary Questions contained in its report;[2]

4. *Decides* that any decisions with regard to the pension scheme shall apply only to the members of the International Court of Justice and the judges and ad litem judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda and shall not constitute a precedent for any other category of judges working within the United Nations system and that any decision regarding the service of any other category of judges shall be taken on a case-by-case basis;

5. *Requests* the Secretary-General to make the necessary revisions to article 1, paragraph 2, of the Pension Scheme Regulations for the members of the International Court of Justice and for the judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda, accordingly;

6. *Also requests* the Secretary-General to report to the General Assembly on any additional expenditures resulting from the above decision in the context of the second performance report on the programme budget for the biennium 2008–2009 and the second performance reports of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda for the biennium;

7. *Recalls* paragraph 11 of its resolution 61/262, in which it requested the Secretary-General to report on options for designing pension schemes, and notes that the Secretary-General has proposed essentially only one option and that, rather than seek the expertise available within the Organization, he has relied on the services of a consultant;

8. *Decides* that the emoluments, pensions, and other conditions of service for the members of the International Court of Justice and the judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda shall next be reviewed at its sixty-fifth session, including options for defined benefit and defined contribution pension schemes, and in this regard, requests the Secretary-General to ensure that, in that review, the expertise available within the United Nations is taken full advantage of;

II

Having considered the letter dated 6 March 2007 from the Secretary-General to the President of the General Assembly,[3]

1. *Takes note* of the letter dated 6 March 2007 from the Secretary-General to the President of the General Assembly;[3]

2. *Notes* that the International Criminal Court is not a United Nations entity;

3. *Decides* to amend article 1, paragraph 7, of the Pension Scheme Regulations for members of the International Court of Justice and article 1, paragraph 5, of the Pension Scheme Regulations for judges of the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda to include a specific reference to the International Criminal Court so as to ensure that no former judge of any of these Courts receives a pension while also serving as a judge of the International Criminal Court;

---

[3] A/C.5/61/19.

4. *Notes*, in this regard, the issues of fairness and equality of treatment in respect of the above decision;

5. *Reaffirms* the provisions contained in its resolution 58/318 of 13 September 2004, and emphasizes that the decision contained in paragraph 3 of the present section shall not create a precedent for other organizations outside of the United Nations in respect of the application of pension benefits of judges of the International Court of Justice, the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda.

74th plenary meeting
24 December 2008